UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,592	02/23/2000	Bruce M. Dickens	2039-301	3314

7590 03/31/2006

BRUCE DICKENS
DICKENS-SOEDER 2000 LLC
3892 CEDRON STREET
IRVINE, CA 92606

EXAMINER	
COBY, FRANTZ	
ART UNIT	**PAPER NUMBER**
2161	

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

90/005,727; 90/005,592; 90/005,628; 90/006,541

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

PAUL E. CRAWFORD
CONNOLY BOVE LODGE AND HUTZ LLP
1200 MARKET STREET
WILMINGTON, DE 19801

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/005,727, 90/005,592, 90/005,628, 90/006,541, 09/512,592

PATENT NO. 5806063.

ART UNIT 2161.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR.1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

ROSS F. HUNT JR.
LARSON & TAYLOR
1199 NORTH FAIRFAX ST., SUITE 900
ALEXANDRIA, VA 22314

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. *90/005,727*, 90/005,592, 90/005,628, 90/006,541, 09/512,592

PATENT NO. *5806063*.

ART UNIT *2161*.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

STANLEY B. GREEN
CONNOLLY BOVE LODGE AND HUTZ LLP
1990 M STREET N.W. SUITE 800
WASHINGTON, DC 20036

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/005,628, 90/005,592, 90/005,727, 90/006,541, 09/512,592

PATENT NO. 5806063.

ART UNIT 2161.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 90/005,592; 90/005,628; 90/005,727; 90/006,541; 09/512,592
Filing Date: December 21, 1999
Appellant(s): Bruce Dickens

Bruce Dickens
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on December 12, 2005 appealing from the Office action mailed on June 10, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,630,118	Shaughnessy	11-1994
JP 05-027947	Hazama	02-1993

Booth et al., Implementation in Clipper 5A Developer's Guide.

B.G. Ohms, Computer Processing of Dates Outside the Twentieth Century, IBM Systems Journal, Volume 25, Number 2, 1986, pages 244-251.

Issues

Whether the rejection of claims 1-76 in the above captioned merged proceeding is proper under 35 U.S.C. 103(a).

Whether the rejection of claims 1-76 in the above captioned merged proceeding is proper under 35 U.S.C 112 second paragraphs is proper.

Whether the rejection of claims 16-67, 69-73, and 75-76 under 35 U.S. C. 112, first paragraph is proper.

Whether the objection of the Examiner to certain documents filed in the above captioned proceeding is proper.

(10) Response to Argument

The Examiner argued that, "the examiner has asserted that Exhibit A adds new matter. Applicant asserts that Exhibit A was filed with the application for the Dickens patent as originally filed and cannot, therefore be new matter. Applicant has previously submitted evidence that Exhibit A was so filed, attached to the December 2002 Response of applicant and as Appendix D to this Appeal Brief; as noted in A Response of applicant filed in February of 2005". The Examiner respectfully point out that Applicant's argument regarding Appendix A being filed originally with the application for the Dickens patent is unfounded because the Dickens Patent US 5,806,063 does not include the codes presented by the Applicant in Appendix A. Therefore, The amendment filed on June 30, 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material (the attached Exhibit A) submitted on February 28, 2005 is not supported by the original disclosure.

The Applicant also argued that, "Pages 16-29 of the Response of December 2002 discuses the disclosure of the Dickens patent and the interpretations thereof in the record of the original prosecution and demonstrate that the inventions as claimed were

contained in the Dickens patent application as originally filed, whether taking Exhibit A into account or not. Applicant submits that the Declarations of Toreson and Winner also support applicant's position in this regard. Applicant also submits that the addition of Exhibit A, further supports these claims, as is also supported by the Winner Declaration". The Examiner respectfully submits that since the Dickens Patent US 5,806,063 does not include the codes presented by the Applicant in Appendix A, this therefore introduces new. Thus, Exhibit A does not support the claims because it is not supported by the original disclosure, also because it is clear that Exhibit A is not part of the printed Dickens Patent US 5,806,063.

Since Exhibit A is new matter because of the explanation above, claims 1-76 stand rejected under 35 U.S.C. 1 12, second paragraph, as failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention. In particular, the claims call for sorting dates "in the form of C1C2Y1Y2", while the specification only described sorting with the format C1C2Y1Y2M1M2D1D2. (col.2, lines 15-21, co1.3, lines 38-48). These two sorting formats are different from each other since the former excludes month and date data from the sort keys, resulting in a faster sort, with a potentially different resultant sequence, than the latter, in which, unlike the latter, the run of data for any given century and year combination are not further sorted by month and day. The claims also call for reformatting to occur "without changing " or "without modifying" the symbolic date representations during the reformatting when the specification merely indicates that the YYMMDD date format is reformatted to appear in the form CCYYMMDD (col.3, lines 41-43). It is apparent that the original specification is

devoid of any disclosure of how such reformatting is performed without changing or without modifying" the symbolic date representation. In fact, the suggestion of reformatting without changing representation is on its face a contradiction, for the reformat is to change representation. Therefore, the claimed limitation reformatting to occur "without changing " or "without modifying"" is new matter because this subject matter was given neither a written description nor enabling description in the original disclosure. The claims further call for all for processing relative to a "pivot date" or' "pivot year" when such term are nowhere defined or even mentioned in the original specification. Therefore, the claimed limitation "pivot date" or "pivot year" is new matter because this subject matter was given neither a written description nor enabling description in the original disclosure. Features such as, "reformatting" or "storing" "separately" from the symbolic representations in the database or from the database when the original specification merely suggests reformatting or sorting the date. '"collectively further processing" when the specification makes no mention of such collective" further processing. The claims call for the running of a program after a sorting operation has been performed. However, the original specification does not provide a written description of such running of a program subsequent the step of sorting. The claims also call for "repeating the step of converting at least a substantial portion" of the specified data. The original specification does not disclose the conversion of such substantial portion. Therefore, such limitation is new matter because this subject matter was given neither a written description nor enabling description in the original disclosure. Claims call for "converting " symbolic representations "by

windowing the symbolic representation" when the specification merely discloses the selection of a decade window. The verb "windowing" appears nowhere in the specification, and its meaning is unclear. Therefore, such limitation is new matter because this subject matter was given neither a mitten description nor enabling description in the original disclosure. The claims further call for all for the step of "opening the database prior to the step of converting" when the original specification makes no mention of opening the database. Therefore, such limitation is new matter because this subject matter was given neither a written description nor enabling description in the original disclosure. Last, the claims call for the selection of a "YAYB value for the first decade" of a window. There is no known meaning for the "value of a decade" and the original specification is devoid of any description of what the "value of a decade" is. Because this subject matter was in the original disclosure, such limitation is not new matter. However, it is rejected under the second paragraph of 35 USC 1 12 because the meaning of the claim phraseology is so devoid as to be wholly indefinite.

Because of the reasons above, the rejection of claims 1-76 under 35 U.S.C. 1 12, second paragraph, as failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention should be sustained.

The Applicant further argued that, "the support for Winner's Declaration is adequately demonstrated in the arguments previously submitted by the applicant as referenced above". The Examiner disagrees with the preceding argument because it is not clear as to which section or sections of the argument the Applicant is referring to,

since the Applicant's argument substantially reiterates the same arguments previously offered, which was fully addressed by the Examiner.

Furthermore, the Applicant argued that, "Paragraphs 76 and 77 of the July 2002 Office Action reflect further disagreements with the Examiner on the interpretation of the Shauglmessy reference, which applicant also submits is adequately addressed in the prior arguments of applicant referenced above". The Examiner disagrees with the preceding argument because Applicant's arguments fail to comply with 37 CFR 1.111(b) since the statement of "the interpretation of the Shauglmessy reference, which applicant also submits is adequately addressed in the prior arguments of applicant referenced above" amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the Shauglmessy reference.

The Applicant argued, that "The Examiner has repeated essentially verbatim the rejections previously made in this case by Examiner Homere in an Office Action dated July 23 2002"; and that "these rejections have been addressed in response to the July 23, 2002 Office Action and those responses, including the fling of a supplemental declaration and related papers, are incorporated herein by reference". The Applicant continued and stated, "The Examiner has not indicated that objection lies with any of those additional papers so fled. The Examiner has added some additional comments regarding arguments made in the past by the Applicant. Those arguments speak for

themselves and Applicant respectfully declines to make further rebuttal to the Examiner's currently stated comments, except to say that the Examiner's position that the Declarations of Thoreson and Winner simply repeat arguments made by Applicant is not understood". In response to the preceding argument, the Examiner respectfully submits that the claims that accompanied the response of the Office Action data July 23, 2002 were not amended compare to the claims presented in response to the Office Action dated July 23, 2002. Therefore, it was not necessary to change the rejection in the Office Action of July 23, 2002 because the references presented in Office action of July 23, 2002 teach all the limitations of claims 1-76 as previously detailed in the aforementioned date and also as detailed in the Office Action dated October 27, 2004.

Regarding to Applicant's argument that "The Examiner has added some additional comments regarding arguments made in the past by Applicant" and that "those arguments speak for themselves and Applicant respectfully declines to make further rebuttal to the Examiner's currently stated comments", It is not clear as to what is meant by the Applicant with respect to the preceding argument, especially, "those arguments speak for themselves and Applicant respectfully declines to make further rebuttal to the Examiner's currently stated comments" because 37 CFR 1.111.requires that the Applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner 's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments

pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant 's or patent owner 's reply must appear throughout to be a bona fide attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.

The Applicant also stated, "Exhibit A, while filed with the Specification as originally filed in the application leading to the above referenced patent for which Reissues is sought was not filed with the Reissue Application as filed and since the Examiner has indicated that a Certificate of Correction during the Reissue is not appropriate to correct the fact this Exhibit was not contained in the Patent as issued, the Exhibit is underlined to indicate it is a modification to the Reissue Application as filed". However, the Applicant did not specifically indicate, for the record, the mailing date and the specific correspondence where the "Examiner has indicated that a Certificate of Correction during the Reissue is not appropriate to correct the fact this Exhibit was not contained in the Patent as issued". As to the content of Exhibit A, the content of this Exhibit presented on June 30, 2004 (Paper # 40E) was objected to under 35 U.S.C. 132

because it introduces new matter into the disclosure. 35 U.S.C.132 states that no amendment shall introduce new matter into the disclosure of the invention and that the added material (exhibit A), which is not supported by the original disclosure is new matter. Last, the Applicant was required to cancel the new matter in the reply to the last Office Action (mailed on October 27, 2004), which the Applicant failed to do.

The Applicant further argued that "on February 3, 200) a Petition to open a Reexamination of the above referenced patent was filed on behalf of a third anonymous petitioner by Attorney Green. That petition, while mentioning other things, relied solely on the insertion into the proceedings of new prior art reference, Japanese Published Patent Application No. 06-103133 ("Saka"). On April 21, 2004, the petition was granted again solely in reliance on the new Saka reference creating a substantial new issue of patentability, and Reexamination 90/006,541 was initiated and merged with the pending Reissue and reexaminations in the above captioned application". Furthermore, the Applicant argued that "Since the Examiner has not relied upon the Saka reference in any way at all to negate the patentability of any claim in the above captioned application it appears that there is not and never was a substantial new issue of patentability based on the Saka reference and the granting of the petition filed by Attorney Green and the starting of the Reexamination 90/006,541 was improper; and that the "Applicant respectfully requests that Reexamination 90/006,541 be dismissed". The Examiner is respectfully submits that this is a merged reexamination and that all references of record have been fully considered including the Japanese Published Patent Application

No. 06-103133 ("Saka"). However, it is in the Examiner's judgment that the rejection of record over Shaughnessy U.S. Patent no. 5,630,118; Ohms, "Computer Processing of Dates Outside the Twentieth Century"; and Hazma, JP-5-27947 are the strongest rejections than the Saka, JP-6-103113 in that case. Consequently, the Examiner has declined to make a separate rejection base on the Saka JP-6-103113 reference even tough the Saka, JP-6-103113 is very pertinent to the claimed invention.

Applicant argues that Shaughnessy does not teach or suggest "the step of selecting a 10-decade window YaYb no later than the earliest date Y1Y2 year designation in the database". Applicant alleges that Shaughnessy only discloses the selection of a 10-decade window utilizing the date the system was installed. In response, the Examiner respectfully submits that Shaughnessy teaches the selection of a 10-decade window in figure 4 and the necessity of such a window starting with a date no later than the earliest year in the database is taught in Hazama.

Applicant argues that neither Shaughnessy nor Hazama teaches or suggests the step of determining a century designator C1C2 for each symbolic representation of a date in the database, ClC2 having...." Applicant alleges that the teaching of Shaughnessy or Hazama is to determine a century designator for at most two date representations being processed in a called subroutine at a given time. In response to the preceding argument, the Examiner respectfully submits that even under the allegation above, the Shaughnessy-Hazama combination would still disclose the

claimed limitation as long as the references teach or suggest the determination of a century designator for each date in the database. Shaughnessy determines a century designator for converting a current date from a six-digit to an eight-digit format before the converted date is returned for use in a particular application. Shaughnessy determines the century value (19 or 20) by comparing the current date to the corresponding date portion when the system was installed with the modifications. Further, Shaughnessy suggests that the above approach can be used to determine a century designator for converting each six digit date in a database to corresponding eight digit' dates. However, Shaughnessy refrains from such an approach, though capable of curing the year 2000 problem on economic instead of technical grounds, since it might not be cost efficient. To the extent applicant is arguing that Shaughnessy fails to extrapolate the operation of date conversion from a single instance to an entire database, it is first noticed that one of ordinary skill in the art extrapolates single operations to batch processing of an entire database as a matter of automation efficiency, it is secondly pointed out that Shaughnessy teaches that its date conversion processing would be inserted for every occurrence of date processing, i.e. across the entire input gamut, col. 4 lines 27 to 33, and it thirdly noticed that Shaughnessy even provides a specific example of checking the due dates in a database for being overdue Col.. 4 lines 38 to 43. Further, Hazama complements Shaughnessy by disclosing the use of a pivot date that is smaller than any other date in the database to compare each. date in the database with the pivot date to thereby determine whether each two-digit

ear in the database should be preceded by 19 or 20. Therefore, the Shaughnessy-Hazama combination does teach the above limitation, as claimed.

Applicant argues that neither Shaughnessy nor Hazama teaches or suggests the step of "reformatting the symbolic representation of the date with the values CI C2, YI Y2,MIM2, and DID2 to facilitate further processing of the dates. " Applicant alleges that the teaching of Shaughnessy or Hazama is to reformat two dates at a time in the called result of the processing of the two reformatted date data entries, and not to facilitate further processing of the dates by reformatting the symbolic representations of the dates (claim 4). In response to the preceding argument, the examiner respectfully submits that the Shaughnessy- Hazama combination does disclose the reformatting of the dates in the C1 C2Y I Y2M I M2D I D2 format to facilitate the further processing of these dates. Shaughnessy's conversion of the current date of an operating system from a six digit format to an eight digit format each time said date is going to be used in application. Such reformatted dates are further utilized by returning one date field with the converted date to the subroutine and by returning a parameter to the application program for use in further operations. As explained above, Shaughnessy suggests that such approach can be extended to reformat dates already stored in database such that they can be used for further processing. Therefore, the Shaughnessy-Hazama combination does teach the above limitation, as claimed.

Applicant argues that neither Shaughnessy nor Hazama teaches or suggests the step of "sorting the symbolic representations of the dates. " Applicant alleges that

Shaughnessy or Hazama only teaches the comparison of two dates to each other in the called subroutine and returning to the program an indication of the result of the comparison. In response to the preceding argument, the examiner respectfully submits that it was conceded that Shaughnessy and Hazama do not teach the step of sorting the symbolic representations of the dates. However, the Examiner relied upon the Booth reference for such teaching, as detailed in paragraph 10 et seq. of the office action. It is noted that Applicant fails to address and rebut the rejection of claim 4 over Shaughnessy, Hazama and Booth. Therefore, the issue is considered to be waived and the rejection of claim 4 is sustained. See In re Berger, Slip Op 01-1129.

Applicant argues that neither Shaughnessy or Hazama teaches or suggests the step of "reformatting each symbolic representation of a date in a formal CI C2YJ Y2MIM2DID2 (claim 5), nor sorting the symbolic representations of dates in numerical order sort (claim 6), nor storing the symbolic representation of dates and their associated information back into the database (claim 9); nor manipulating information in the database having reformatted date information therein (claim 10). " In response to the preceding argument, the examiner respectfully submits that with regards to claim 5, Shaughnessy discloses the limitations as discussed above in paragraph 3 of the remarks. Regarding claim 6, Shaughnessy, Hazama and Booth disclose the cited limitation., see discussion above in paragraph 4 of remarks. Regarding the limitation of claim 9, Shaughnessy discloses the step of storing the symbolic representation of dates and their associated information back into the database, as discussed in the office

action. Shaughnessy teaches the storing in the database of current date after it has been converted from the six-digit format to the eight-digit format. Further, Shaughnessy suggests that such an approach can be extended to date, in a database. Consequently, Shaughnessy discloses the claimed limitation of claim 9. Regarding claim 10, Shaughnessy and Hazama disclose the cited limitations as discussed above in paragraphs 3 and 4 of the remarks.

Applicant argues that neither Shaughnessy nor Hazama teaches or suggests the step of "converting pre-existing date information [within a database] having a different format into the format wherein M1 M2 is the numerical month designator, D1 D2 is the numerical day designator and YIY2 is the numerical year designator (claim 7). In response to the preceding argument, the Examiner respectfully submits that Shaughnessy does disclose the cited limitation. In particular, Shaughnessy discloses the conversion of a current date from a six-digit format (YYMMDD) to an eight-digit format (CCY YMMDD). Shaughnessy also suggests that the preceding approach could be extended to convert dates already stored in a database.

Applicant argues that neither Shaughnessy nor Hazama teaches or suggests the step of selecting YaYb such that Yb is 0 (zero) (claim 8). In response to the preceding argument, the examiner respectfully submits that it was conceded that Shaughnessy and Hazama do not teach the step of selecting YaYb such that Yb is zero. However, the Examiner relied upon the Booth reference for such teaching, as detailed in paragraph

xxx of the office action. It is noted that Applicant fails to address and rebut the rejection of claim 8 over Shaughnessy, Hazama and Booth. Therefore, the issue is considered to be waived and the rejection of claim 8 is sustained. See In re Berger, Slip Op 01-1129.

Applicant argues that Booth does not teach or suggest the step of "selecting a 10-decade window YaYb no later than the earliest YI Y2 year designator in the database." Applicant alleges that Booth merely selects, e.g. "nyear" in order to "handle dates that use only two digits for the year [w]hen a two-digit year is entered into a date [by comparing] its year digits... with the year digits of the epoch setting to determine the century ...(Id. at 941). Therefore, Applicant contends that Booth does not disclose the earliest YIY2 year designator in the database. In response to the preceding arguments, the Examiner respectfully submits that Booth was not relied upon for the teachings of the cited limitations. Rather Hazama was relied upon for such teaching. Therefore, Applicant's argument is not relevant.

Applicant argues that Booth does not teach or suggest the step of "the step of determining a century designator CI C'2 for each symbolic representation of a date in the database having ...." Applicant alleges that: "there is no need to determine a century designator for each symbolic representation of a date in Booth's database since each is already stored with the century designator included in the date datum so stored in integer format. In addition, the teaching of Booth is to determine a century designator on an individual date datum basis for date data entry, date display, incrementally

determining a date based upon a given initial date datum , etc. This calling of certain functions disclosed by Booth to, for example, display a date, or compare two dates, or increment a date from a starting date, are virtually identical to the pertinent disclosure in Shaughnessy." In response to the preceding arguments, the Examiner respectfully submits that Booth was not relied upon for the teachings of the cited limitations. Rather Shaughnessy was relied upon for such teaching. Therefore, Applicant's argument is not relevant.

Applicant argues that Booth does not teach or suggest the step of "reformatting the symbolic representations of the date with the values CIC2YI Y2MIILI2 and DID2 to facilitate further processing of the date." Applicant alleges that: "Booth, like Ohms, does not need to do the recited reformatting, since the dates stored in the database in their original format already contain all the information needed to determine the four digit designation of the date, including the century of the particular date datum. The process of the claimed invention is not needed for dales stored with the century designator already known from what is, stored and the Y2k ambiguity not present. Furthermore, the teaching of Booth, like Shaughnessy, is to reformat one or two dates at a time in a called Clipper date functionality and the return to the program from the called subroutine with information resulting from the performance of the programming functionality, e.g., an input to a display, a result of a comparison, a newly calculated date, etc. Booth does not teach facilitating "further processing of the dates" by "reformatting the symbolic representation of the date" "for each symbolic representation of a date in the database."

In response to the preceding arguments, the Examiner :respectfully submits that Booth was not relied upon for the teachings of the cited limitations. Rather Shaughnessy was relied upon for such teaching. Therefore, Applicant's arguments are not relevant.

Applicant argues that Booth does not teach or suggest the step of ".sorting the symbolic representations of dates", as recited in claim 4. Applicant contends that: "Whatever sorting Booth teaches does not need to first reformat the date data, since the integer format can be and is sorted in its initial format. The method of the claimed invention, including the reformatting steps is simply not relevant to a database that stores date data as Clipper does, in interger format, as described in Booth." In response to the preceding arguments, the Examiner respectfully submits that Applicant's reading of Booth is inaccurate. Booth discloses the sorting and indexing of dates stored in a database after said dates have been converted to an eight-digit format (YYYYMMDD). See pages 845, 945. Therefore, the rejection of claim 4 is proper.

Applicant argues that Booth does not teach or suggest the step of "reformatting each symbolic representation of a date into a format CYC2Y1 Y2MIM2DID2" as recited in claim 5. Applicant further argues that Booth does not disclose the step of "sorting the symbolic representations of dates using a numerical order sort" as recited in claim 6. Additionally, Applicant argues that Booth does not disclose the step of "storing the symbolic representation of dates and their associated information back into the database" as recited in claim 9 nor the step of "manipulating information in the database

having the reformatted date information therein", as recited in, claim 10. In response to the preceding arguments, the Examiner respectfully submits that Booth was not relied upon for the teachings of the limitations in claims 5, 9 and 10. As discussed above in the remarks, Shaughnessy was relied upon for such teachings. Further, regarding claim 6, it was previously discussed above that Booth teaches such limitation at pages 845 and 845. Therefore, the rejection of claims 5, 6, 9 and 10 is proper.

Applicant argues that Booth does not teach or suggest the step of "converting preexisting date information having a different format into the format wherein MI M2 is the numerical month designator, DID2 is the numerical day designator and YI Y2 is the numerical year designator, " as recited in claim 7. Applicant alleges that the fact that Booth teaches converting date format into the: "recited format" does not teach it as part of the process of the claimed invention. In response to the preceding arguments, the Examiner respectfully submits that Booth was not relied upon for such teaching. Rather, Shaughnessy was relied upon the limitations of claim 7. Consequently, Applicant's arguments are not relevant.

Applicant argues that Booth does not teach or suggest the step of "selecting YaYb such that Yb is 0 (zero)," as recited in claim 8. Applicant alleges that even though SET EPOCH can and does use pivot years ending in 0, it is not a process according to the claimed invention. In response to the preceding arguments, the Examiner respectfully submits that Booth does disclose Yb to be zero by selecting YaYb to be equal to 90. See page 942. It is noted that Applicant's arguments that Booth's teaching

is not a process according to the claimed inventions fails to comply with 37 CFR 1.111 (b) because they amount to a general allegation that the claim define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant simply alleges that the cited limitation; are not taught by Shaughnessy without actually explaining how these limitations are distinguishable from the corresponding portions in Booth on which the Examiner relied to establish the prima facie case. See page of the office action. Consequently, Applicant has failed to successfully rebut the rejection of claim 8 . Generally, Applicant bears the burden of explaining why the evidence on which the Examiner relies is insufficient to establish a prima facie case or demonstrating that Applicant has provided evidence which, rebuts the prima facie case,. See In re Rouffet, 149 F.3d 1350, 1355 47 USPQ2d 1453, 1455 (Fed. Cir. 1998). Furthermore, Shaughnessy's process would select a Yb value of 0 for one year out of every 10 when operated with daily update, col. 6 lines 4 to 45.

Applicant argues that Ohms does not teach or suggest the step of "Providing a database with symbolic representations of dates stored therein according to a format wherein MIM2 is the numerical month designator, DI-02 is the numerical day designator and Y1 Y2 is the numerical year designator, all of the symbolic representations falling within a 10-decade period of time, as recited in claim 1. Applicant alleges that Ohms does not disclose the above limitations since Ohms teaches providing a database with the dates in a Lilian format. In response to the preceding arguments, the Examiner

respectfully submits that Applicant's reading of Ohms is incorrect. Ohms teachings are not limited to dates in Lilian format. As discussed in the office action, Ohms discloses the storing of dates in a database in Gregorian format, wherein said dates are converted from a six-digit format (YYMNIDD) to an eight-digit format(YYYYMMDD). See page 247, table 1. Ohms further teaches that the dates stored in the database do fall within a ten decade period. See page 249. Consequently, the rejection is proper.

Applicant argues that Ohm3 does not teach or suggest the step of "selecting a YaYb value for the first decade of the window, YaYb being no later than the earliest Y 1 Y2 year designator in the database. Applicant contends that, at best, Ohms teaches or suggests a YaYb based upon dates that are currently being input into the database. In response to the preceding arguments, the Examiner respectfully submits that it was conceded in the office action that Ohms does not detail the cited limitation. However, Hazama was relied upon to complement Ohms for its teaching of a pivot year date that is smaller than the smallest two digit year date in the database. Therefore, the claimed limitation is taught by the Ohms-Hazama combination. Consequently, the rejection is proper.

Applicant argues that Ohms does not teach or suggest the step of "determining a century designator C 1 C2 for each symbolic representation of a date in the database, C 1 C2 having. Applicant contends that Ohm teaches entering date data into the database to be converted into Lilian format for storage and manipulation within the database.

Applicant further alleges that since the conversion in Lilian format does not require the determination of a century designator for data in the database, then Ohms cannot teach such limitation. In response to the preceding arguments, the Examiner respectfully submits that Applicant misread Ohms' teachings. As pointed out above, Ohms' teachings are not limited to conversion in Lilian format. Ohms also discloses the conversion of dates stored in a database in Gregorian format from a six digit format to an eight digit format to include the century designator. See page 247, table 1 and page 248.

Applicant argues that Ohms does not teach or suggest the step of "reformatting the symbolic representation of the date with the values ~C1 C2, Y I Y2, M1I M2, and D1 D2 to facilitate the further processing of the dates. Applicant contends that Ohms does not disclose such limitation since it teaches reformatting into Lilian format and thereafter processing the date data in the database utilizing the Lilian format. In response to the preceding arguments, the Examiner respectfully submits that, as pointed out above in the remarks, Ohms's teachings are not limited to reformatting in Lilian format. Ohms discloses the reformatting of a short Gregorian date having six digit into a Gregorian date having eight digits. See page 247, table 1.

Applicant argues that Ohms does not teach or suggest the steps of sorting the symbolic representations of dates (claim 4); or reformatting each symbolic representation of a date into the format C I C2Y I Y2M I M2D 1 D2 (claim 5) or sorting

the symbolic representations of dates and their associated (claim 6) or storing the symbolic representation of dates and their associated information back into the database (claim 9) or after the step of reformatting, manipulating information in the database having the reformatted date information therein (claim 10) or converting pre-existing date information having a different format into the format wherein M 1 M2 is the numerical month designator, D I D2 is the numerical day designator and YIY2 is the numerical year designator or selecting YaYb such that Yb is 0 (zero) (claim 8). In response to the preceding arguments, the examiner respectfully submits that it was conceded in the office action that Ohms does not teach the limitations of claims 4, 6, and 8. However, Booth was relied upon to complement Ohms' teachings in order to reject the cited claims. Regarding claims 5, 9 and 10, it was pointed out in the office action that Ohms teaches the reformatting of short order Gregorian dates having six digits into Gregorian dates having eight digits to thereby store the converted dates in the database for further use and processing. The limitations of these claims were fully addressed in the office action. It is noted, however, that Applicant's arguments fail to comply with 37 CFR 1.111 (b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant simply alleges that the cited limitations are not taught by Ohms without actually explaining how these limitations are distinguishable from the corresponding portions in Ohms on which the Examiner relied to establish the prima facie case. See page of the office action. Consequently, Applicant has failed to successfully rebut the rejection of claims 4-10 as

laid out in paragraph. Generally, Applicant bears the burden of explaining why the evidence on which the Examiner relies is insufficient to establish a prima facie case or demonstrating that Applicant has provided evidence which rebuts the prima facie case. See In re Rouffet, 149 F.3d 1350, 1355 47 USPQ2d 1453, 1455 (Fed. Cir. 1998).

The Applicant argued that "Examiner has incorporated an objection to the form of the Reissue Application submitted in the above captioned action from the October 2004 Office action. This is a repeat of an objection/rejection that has appeared in every Office Action in this case, despite applicant having submitted a new declaration, which specifically references at least one error in the patent, i.e., that applicant claims more or less than could have been claimed, to wit :

Claim 1 recites according to a format wherein M1M2 is the numerical month designator, D1D2 is the numerical data designator ... .' the invention is broader than this recitation and can include, e.g., a month and date designator other than as recited, e.g., in Julian format, so long as there is ,e.g., a year designator such ms Y1Y2. Contrary to the Examiner's statement on p. 15 of the Office Action of June 2005, applicant believes that applicant has submitted a substitute Declaration that does refer to the amendment to the Dickens application.

37CFR § 1.175 requires that:

(a) The reissue oath or declaration in addition to complying with the requirements of § 1.63, must also state that:

(1) The applicant believes the original patent to be wholly or partly inoperative or invalid by reason of a defective specification or drawing, or by reason of the patentee claiming more or less than the patentee had the right to claim in the patent, stating at least one error being relied upon as the basis for reissue; and

(2) All errors being corrected in the reissue application up to the time of filing of the oath or declaration under this paragraph arose without any deceptive intention on the part of the applicant.

(b)

(1) For any error corrected, which is not covered by the oath or declaration submitted under paragraph (a) of this section, applicant must submit a supplemental oath or declaration stating that every such error arose without any deceptive intention on the part of the applicant. Any supplemental oath or declaration required by this paragraph must be submitted before allowance and may be submitted:

(i) With any amendment prior to allowance; or

(ii) In order to overcome a rejection under 35 U.S.C. 251 made by the examiner where it is indicated that the submission of a supplemental oath or declaration as required by this paragraph will overcome the rejection.

(2) For any error sought to be corrected after allowance, a supplemental oath or declaration must accompany the requested correction stating that the error(s) to be corrected arose without any deceptive intention on the part of

the applicant.

(c) Having once stated an error upon which the reissue is based, as set forth in paragraph (a)(1), unless all errors previously stated in the oath or declaration are no longer being corrected, a subsequent oath or declaration under paragraph (b) of this section need not specifically identify any other error or errors being corrected.

(d) The oath or declaration required by paragraph (a) of this section may be submitted under the provisions of § 1.53(f).

(e) The filing of any continuing reissue application which does not replace its parent reissue application must include an oath or declaration which, pursuant to paragraph (a)(1) of this section, identifies at least one error in the original patent which has not been corrected by the parent reissue application or an earlier reissue application. All other requirements relating to oaths or declarations must also be met. [24 FR 10332, Dec. 22, 1959; 29 FR 18503, Dec. 29, 1964; 34 FR 18857, Nov. 26, 1969; para. (a), 47 FR 21752, May 19, 1982, effective July 1,1982; para. (a), 48 FR 2713, Jan. 20, 1983, effective Feb. 27, 1983; para. (a)(7), 57 FR 2021, Jan. 17, 1992, effective Mar. 16, 1992; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (e) added, 69 FR 56481, Sept. 21, 2004, effective Oct. 21, 2004]. Since the Applicant's e declaration, mailed on February 11, 2003, does met all the stated above, the objection to the Reissue oath/declaration is withdrawn.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Frantz Coby

Primary Examiner

Art Unit 2161

Conferees:

Hosain Alam

Supervisory Primary Examiner

Technology Center 2160

Jeffrey Gaffin

Supervisory Primary Examiner

Technology Center 2160

March 28, 2006